

3
Trade in America 28

A
L E T T E R
T O
Lord C H A T H A M,
O N
AMERICAN AFFAIRS,

AND WHEREIN

The Doctrine of Judge BLACKSTONE, in
his CELEBRATED COMMENTARIES, on
the Laws of ENGLAND, is opposed to the
present System of Politicks ;

WITH

Some THOUGHTS on GOVERNMENT.

A New EDITION, with an APPENDIX,

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(Author of several Anonymous Pieces.)

L O N D O N :

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E R R A T A.

- Page 11, line 15, for *was* this war, read *were* this war
22, line 2, for our *Ministry* have, read *Ministers*
26, line 18, for have the *Ministry*, read the *Ministers*
27, line 13, for *anathamize*, read *anathamatize*
30, line 21, for *Ministry*, read *Ministers*
36, line 11, for *was* there, read *were* there
39, line 24, for, if it *was*, read, if it *were*
44, line 7, for *Ministry*, read *Ministers*
ibid, line 18, for ditto, read ditto
55, line 2, for *was* I, read *were* I
74, line 12, for municipal *law*, which *considers*, read
laws, which *consider*
87, line 16, for advantage of *America*, read, of the
Americans

ADVERTISEMENT.

THE following letter (except as to some late alterations) was wrote at the time Doctor Price published his pamphlet on Civil Liberty; and would have been produced before, had the Author supposed the contents of it more material than the Doctor's, which appears to have obtained unexpected applause. But as time in a degree has silenced the clamours on its merits, and as government is pursuing unremittingly an unprofitable conquest in contempt of every argument, the Author presumes to think that the people in this country cannot be too often reminded of their situation under profligate Ministers, nor be taught to regret the want of a Pitt at the head of their public affairs; he has therefore dedicated his letter to Lord Chatham.

With respect to men, the Author has as bad an opinion of many that are out, as any one can have of the many pantomimical actors that are in; and he fears the time may come when the King will not be able to sleep for the cries of his people, occasioned not by himself, so much as by his unhal-
lowed Ministers.

It is the continuance of the constitution in perfect order, which must and will hand down our title as freemen. Nothing else can. But when civil liberty dies, whether by foreign or domestic invasion, or is likely
to

to receive a mortal disease, we must either suffer it by inertia from wishes to be slaves; or if emulous to preserve sacred or inviolable such constitution for the benefit of posterity, it is our duty to make a stand against growing oppression.

In vindication of the laws and constitution, from the attack made upon both, the Author has been tempted to write. The intent of which attack, examined in whatever form we will, is to subvert the fabric of our commonweal, by endeavouring to persuade the consciences of the subjects, that they are bound to obey commands, unconstitutional and illegal.

The reader, however, on a serious perusal of the following pages, will no doubt judge for himself. The Author means not to lead him into his own opinion of the subject, or to convince him that there is too much justice in his reasoning: but if that should happen, it will be the *subject*, and not *the writer*, that occasions it.

[1]

TO THE
RIGHT HONOURABLE
LORD CHATHAM.

MY LORD,

IT cannot, I hope, be considered a liberty in me to address myself publickly to your Lordship, when it is known, that among our present Peers, few men deserve more publick acknowledgments than yourself, for the services done to your country, during a long and wearisome administration, in the course of our late successful war with France and Spain; among which acknowledgments I have ever classed my own.

I regret on behalf of myself, and many of my countrymen, that the infirmities incident to human life, when worn down to a particular period, by labor in the arduous task of conducting public affairs with success, should have drove your Lordship into retirement;

B the

the more so, because great abilities, united to an experienced integrity, have ever made your political character singular and unparalleled.

I say this, since few like yourself either preceded or followed you in your official capacity of Statesman, Commoner and Minister.

After you withdrew from the care of your country, we beheld leaders only for a season ; government has been in the hands of unsettled profligates, and we have been destitute of a Minister, till Lord North came forward at the heels of his Grace of Grafton, who had been justly rendered obnoxious by the pen of Junius.

Lord North hath been more permanent ; patience hath enabled him to persevere in office, while the most perilous adventures were agitated ; and he has for some years weathered the impending storms of public and private reprehension, respecting the affairs of America.

Happy in the security of a majority in both Houses of Parliament, by the common means of corruption, he has now involved us in a war ; which, from all ostensible accounts, with others

thers more tremendous, give to the times the blackest complexion; threatening also, from clouds that lowr over the political hemisphere, the most awful tempest! The cause and subject of which war, added to my particular esteem for your Lordship's understanding, prompts me now to dedicate a few thoughts to you.

I have long been a silent observer of most of the sentiments published on both sides the question, between Great Britain and America; tho' the ignorance of some, and the fallacy of others, have provoked exposition, I have yet remained silent, because I know there are men better calculated than I should be, in speaking *common sense*, on so important an occasion.

That, with truth, will always bear away every sophistical argument, and disperse in clouds the fumes of weak and wicked minds, while right calmly sequesters in solitude, to bewail its unrelenting injuries.

I have been taught to believe, that in all national adventures our Ministers have, or ought to have, some public beneficial object in view; this is their

duty, to swerve from it merits death. If then, on this principle, we have the smallest retrospection on the conduct of our present public rulers, and steadfastly examine their plans of the day, we must lament that a regard to their own future welfare, as individuals, is wanting to fortify themselves and measures, against universal reproach and deprecation.

To probe for the motive to pursue with apparent implacable vengeance our brethren in America, for having broke no law, trespassed on no property, is impracticable; it is known only in the Cabinet, which, assisted by the inglorious string of Privy Counsellors, seems to bid defiance to every rule of reason and sound policy; the particulars have already been made notorious. It is not my present business to traverse them, but rather to condemn, composedly, the attempts of many ingenious writers on the side of government, who palpably excel in the mean art of confusing the vulgar mind, which excellencies have been their sole endeavour; but they have rendered their cause subject to censure, and exposed it to the contempt of those, who otherwise

wise

wife would have yet beheld it in a false glare.

Look round the kingdom, my Lord, and tell the general opinion in regard to America; Ministers may presume to hold forth a huge and mountainous heap of *Addresses*, as a plea that a majority is for subduing America; but I hold up to them *Remonstrances and Protests*, that will most powerfully counteravail them for truth, language, and that godlike attribute, Justice. *Addresses* have been *procured*; *Remonstrances and Protests* have *flowed spontaneously*. The former have been culled like votes at an election; the latter have originated from the tender feelings of independent men, for injured liberty, for wisdom and discretion lost!

And yet are there men, with all their cringing, interested dependants, who hold forth the hard rod of iron, to take our money by new-invented taxes, to sport with the blood of men, to call in mercenaries, to aid in that sanguine task, and lastly, to dip their hands in innocent gore!

For what have the Americans done? Alas! gracious heaven! in a weaker state their jealousies were animated, that
because

because they had assented to laws injurious to themselves, we were desirous of increasing our power over them, by making others equally mischievous.

They next murmured at the introduction of a tax, calculated (as *they* foresaw, and *we* well knew,) as a prelude for future imposition; we felt the force of their complaint at that time, and by your Lordship's means wisely repealed the law†, the putative father of which, (the late Mr. Grenville) can now no longer answer for himself.

Some years afterwards, the shadow of a tax was substituted under the article of tea, to oblige our India Company; indeed it was a masterpiece, and nothing but folly could have persuaded a pliant Parliament, after the just repeal of the Stamp Act, to impose a still more odious tax on the Americans, at the risk of exasperating them to every refusal, and the loss of great national opulence, the *British customs*. In fact, the Americans resented the insult that was offered them by this tax, perhaps with violence; yet let us consider the provocation, and we shall find some excuse for them.

† The Stamp Act.

It is a misfortune, that men seldom argue on a true ratio; interest, folly, or passion, too often prevail to confuse and cloud their imagination: while the dispassionate, who think before they speak, are well informed before they write, or who have nothing but naked truth in view, are brought to a given point, and see things really as they are.

But to avoid digression; government, in return for the violence done to the tea, which carried with it a tax, determined on rigor and subduction; two shameful Acts of Parliament were passed, *scandalous* to our religion, and *infringing* on *Magna Charta*. These were meant as baits for the people of *all* Canada to join the side of government; its success, however, is too well known.

Next was produced the Boston Port Bill, which being soon found effectually of *no* purpose, after producing great slaughter on the memorable action at Bunker's-hill, was repealed, and we on our parts impliedly declared against all the internal dealings of the Americans with all the world.

The poor ill-treated Americans were now deemed rebels, and stiled paltrons,
en-

enthusiasts, and cowards; an Englishman was to drive them before him in clouds, and destruction was to be their portion.

Providence, however, has proved itself something more than a name; the Americans were not estranged from the favors of divine effusion; they have been cool in their debates; sensible in all their thoughts; firm in their adjudications; resolute in their decrees; and determined in their execution: the whole continent of North America felt an equal injury, and its provinces separately convened their delegates to commune for the future welfare of the whole, opposed to the unexampled efforts of a British Ministry, to rob them of all that could be dear to them, their liberty, their property, and their lives.

Pause, my Lord, for a moment, and follow me in this reflection: the Americans have done no wrong to our country in ought we have heard alleged against them; they were an increasing people, daily improving in arts and science, daily improving in consequence and wealth. This is their crime; and because they would not submit to British imposts, begot and
ma-

matured by a corrupt majority of an English Parliament, which to them was of no more force than an edict from a Polish Diet, attempts have been made to dragoon them into it in spite of every thing. Taxation is the word, and taxed our Ministry say they shall be.

Infamous denunciation ! The first endeavour your Lordship proved unjust and impolitick ; the present is more so ; the pretence is an insult to the British constitution, to enforce obedience to a law from a people, who are in no instance parties to it ; as well might I expect a decree to be made against me in a cause where I have never been served with a process to appear, and defend myself against its prayer, be the same never so unjust.

How idle have the pens been, nevertheless, engaged to prove that two and two do *not* make four ; while even taxation to America contradicts common sense, unless by themselves, or in conjunction with us. They have never yet had any share in our legislature, consequently cannot be affected by its actions. This is a known truth, and is *legally* admitted on all sides ; pity it is, it has not been so *politically*.

A policy which we can hardly account for, or comprehend, has propelled measures of blood, distress, and ruin. Our national expence is increased, the better to slaughter our fellow-creatures, employ our army and navy, and promote desolation in the once quiet homes of a useful and prosperous people.

Yet what is the end to be hazarded? Will it make the Americans love us? Will they deal with us solely? Or will they, after a glorious struggle for real liberty, be able to trade more profitably among us? Certainly not. It is nonsense to suppose it. What then would our *conquest* be, supposing (what is far from being probable) if after they are subdued, we view them miserable and forlorn, their towns destroyed, their estates plundered, and their lands depopulated.

Our *conquest* then will be meer *defeat*; *they* will be *conquerors* for having exhausted and risked their all against us, while we shall be the *vanquished* by our loss of time, blood, and treasure. We may then look on America in a degree as another discovery, and begin to colonize a-new. In vain will boasting Britons

Britons, who have been deluded to *address* the throne, look back for lost wealth. In vain may they or their children expect a return. It is impossible. War has ever produced poverty, and is commonly the consequence of riches.

It is not, however, so with this, which is openly carried on for *power*, under that extraordinary idea of a Scotch law lord, that if America is not subdued, England must; which is making savages and canibals of the Americans for denying obedience to the most afflictive despotism. Was this war supported by justice, providence might countenance it, but it is otherwise; and our Ministers both (ostensible and private) may live to rue its unhallowed promotion by finding it productive of every ill without one object of advantage, even in theory.

But it is urged that this is a war to make the Americans sensible of their duty and allegiance to England. They have never professed to want this. They have gloried in the name of Englishmen; and have proved their free preference to this country by submitting to the Navigation Act, and

several others fabricated here purely to keep them poor and subservient.

What else can we expect from them, to shew their allegiance? We have had all their trade, and all their profit in the ballance of that trade---yet they are disobedient! True! They have trampled on our laws, manifestly intended to rob them, because to those laws they have had no negative.

Shifting from this ground, which puzzled the literary multitude for a time, we have taken another subterfuge, and asked, *Are not the Americans bound by every tie of honor, gratitude, and right, to contribute to the burthen of our taxes at home, and that as a people originating from us, sent out of this kingdom, nurtured and protected by us?* I answer No, unless by voluntary gift, which they have ever been ready to bestow.

Compulsion in this country is illegal in the case of supplies? and the *favor* of our originally sending our countrymen out to colonize, with charters in their hands, has been a *favour done to ourselves* at home, more than to them, who when they emigrated became inhabitants in the then inhospitable

table lands of America, for *our* benefit only. The advantage to them has been no more than the rewards of *their labor*; originally the parent state might protect them; but it was for its own welfare, the value of America would otherwise have been insignificant to us. When therefore it became, by continued cultivation, into consequence, and Britain felt the profit in its trade, the protection of the parent state naturally relaxed, and its fostering hand withered into imbecility; for it is absurd to suppose that, because the Americans sprung from Britons, they should ever be under their arbitrary sway. They have never denied our legal dominion; let them be put on an equality with us, and their complaints will vanish.

It is then said that they glory in the avoidance of this, and the impossibility of putting it in practice. This is really chimerical, for we have yet given no opportunity to treat with them on proper terms. A Scotch law lord made them *monsters* that were to *kill us*, if we did not *kill them*; and the sword was drawn to put those to death who disobeyed the calls of an encroaching government.

Review

Review the result. Worn out with complaining, remonstrating and petitioning, in vain, tho' in the most humble, loyal, and suppliant manner to the Throne, their prayers were despised, and they were deemed still more contemptible. War was announced in the Cabinet, and all the horrid engines were procured for the carnage of *ourselves*.

The poor Americans, like men struggling in the cause of virtue, withdrew from all their luxuries by which our trade with them profited. They considered themselves in a state of social nature, and prepared with all possible wisdom to meet our continued oppression under arms.

Cowards and paltrons, as they have been termed, they have patiently dispensed with our burning some of their towns, and killing their brethren. They have prepared to meet us in our *own way*, not theirs, for we have forced them to it, and to repel (if possible) the force of arms, by *arms*.

Finding all their pursuits for redress were made to no purpose, they have estranged themselves from us,
and

and have reluctantly declared an independence.

On our parts, armies and fleets have hitherto unsuccessfully been engaged against them.

Paltroons as they are, they have scattered in their seas privateers, which annoy and take our vessels; to the damage of private owners, to whom there is no relief. They are uniform in their conduct; and considering how little accustomed to arms, are wonderfully dextrous. In time practice will make them more so, notwithstanding the contrivances in government to mislead us, by what their missionaries may write or send forth to the contrary.

In regard to the question between Great Britain and America, a learned writer has sensibly termed it a new one. It is so, in politicks, beyond a doubt: the more necessary was it then on our parts to act with delicacy and tenderness, to turn it in our own favor, rather than to carry it as such by the overbearing *bribery* of *Ministers*, who have hitherto shewn little regard for the happiness of the community, and who now immersed in sins of their own begetting, may soon be sensible of
their

their ill conduct, when all their sacrilegious deeds against America may leave behind them an evil phantom that will, while life lasts, torment and harass them.

Judge Blackstone, whose name must be handed down to posterity with honor, as illustrated involuntarily by the superingenuous writer of a fragment on government,* while speaking of countries subject to the laws of England, rather obliquely skims his eye over our plantations in America.

He says, "These are also in some respects subject to the laws of England; plantations or colonies in distant countries are either such where the lands are either claimed by occupancy only, by finding them desert and uncultivated, and peopling them from the Mother Country; or where, when already cultivated, they have either been gained by conquest, or ceded to us by treaties."

And he proceeds further to say, that "both these rights are founded on the law of nature, or at least that of nations." But then he says "there is a difference between these two species of colonies with respect to the laws

* A very labor'd pamphlet lately published.

“ laws by which they are bound :” for he quotes as a lawyer an authority from a law reporter,* where it hath been held, that if an uninhabited country is discovered and planted by English subjects, all the English laws then in being, which are the birth-right of every subject, are immediately then in force.

These are his words : “ Such colonists carry with them only so much of the English laws as is applicable to their own situation, and the condition of an infant colony. Such for instance as the general rules of inheritance, and protection from personal injuries. What shall be admitted and what rejected, at what times and under what restraint, must in case of dispute be decided in the first instance by their own *provincial judicature*, subject to the revision of the King, their common parent in council, the whole of their constitution being liable to be new modelled by the general superintending power of the legislature in the Mother Country: but in conquered or ceded countries, that have already

* Sir John Strange, I think.

" laws of their own, the King may
 " indeed alter and change those laws.
 " Our American plantations are prin-
 " cipally of this latter sort, being ob-
 " tained in the last century, either by
 " right of conquest, and driving out
 " the natives" (with what justice the
 learned judge will not enquire) " or by
 " treaties."

Without continuing this perspicu-
 ous writer's sentiments further on this
 head, whereby he clearly explains in
 three divisions the interior polity of our
 colonies, we will examine the plain
 import of those already quoted.

Does he in any manner say or in-
 sinuate therein that the Americans, tho'
 subject to all the English laws THEN
 in being, that is to say, at the time
 they emigrated, when they carried
 with them *only* so much of the English
 laws as were applicable to their con-
 dition as travellers, for the *benefit* of
 the *Mother Country*---I repeat, does he
 insinuate that they or their posterity
 were to remain subjects to every new
 law made by an English parliament?
 No, his inference is the reverse of this;
 and like a lawyer and a man of strict
 honor and judgment, when he deduces
 his

his subject down to taxation, he says NOTHING, but simply quotes, that because several of the colonies had claimed, (what there is no precedent to counteravail) the sole and exclusive right to tax themselves, the statute of 6 Geo. III. declares, that all his Majesty's colonies and plantations in America have been, are, and of right ought to be subordinate to the parliament of Great Britain in *all cases* whatever.

But what does all this imply? Is it the more consistent with the nature of civil right, because our parliament, complaisantly corrupt as we have beheld it, has reduced it into a declaratory act? Is the claim of America less founded in truth and justice to tax itself, exclusively for the benefit of the *Mother Country*, because a parliament, in which they have no voice, has decreed it otherwise? As well might the rulers of Japan make a law to affect them in their well doing, and enforce that law by arms among them, as for us, without their consent; by us, I mean our Ministry, who have waged a war for *conquest*, and not to determine *any right at all*.

To countenance which we have been amused, first, by arguments, which prove learning in the man, but corruption in his heart : * second, by thoughts from an excentric priest, † which are alike offensive to common sense. The former, very early in the dispute, presumed to encourage government on principles of northern justice ; the latter on those of a *calmer* dye, asserting in a religious style, that because we are but imperfectly represented at home ; or rather, that because every man was virtually represented at home, the Americans should be, and were the same.

This ingenuous writer went further, for he was bold enough to say, that because the original emigrants, from whom the present race descend, were virtually represented THEN in England, every existing American NOW is the same.

Away with such stuff, the rays of wisdom shine not upon it, except to darken it.

We have had also other pens employed, with feeble venom in favor of

* Doctor J——— † John W———.

a Ministry, until a dispassionate man,† in plain terms, told the truth with surrounding applause. It was laudable and virtuous. Common happiness and benefit induced him to write, when nonsense, folly and false reasoning had poisoned myriads of unthinking hearers and prejudiced readers. Torrents of abuse have been poured upon this able writer, as a return for his having fought the Ministry with those damning weapons---facts.

But what avails it? Hirelings and tyrants have nearly brawled themselves into silence, and lost their little consequence in the vapors of their own insignificance.

I come now, my Lord, to the prosecution of this civil war, so little supported by justice, and so fatal in its effects, as I believe every reasonable being must view it to be against the Americans, who we behold irritated to resistance, and successful in their attempts against British violence, which strikes at their trade, their mutual intercourse, and the bounty of their God for subsistence.

† Doctor P—.

Their

Their resistance against all this, our Ministry have been pleased to call *rebellion*, and the Americans *rebels*. If *they are* rebels, the people of every injured state are the same, in the minds of their intruders; but it is an idle and malicious term, for it is our *Administration that is in rebellion*, not the Americans; they have broke *no* law, whereto they were parties. We on our parts have broke thro' their charters, and committed violence to our own constitution, by stirring up a war so destructive to common humanity; so offensive to christianity. Those then that compose our Ministry are the rebels; the poor Americans, the oppressed people, against whom their rebellion is made.

And yet it is not against them alone, for it is the same against *ourselves*; and should success attend the hostility, which carries little probability, the stab will wound the vitals of the English form of government, by establishing a precedent in America, destructive of true liberty in England.

Hence comes the idea, that British liberty is now in the course of struggle for existence in America; and so it really

really is. If the present measures should answer their tyrannical purpose, the example will be rendered a record, and no bounds can be set against it by the discretion of succeeding Ministers, who losted in their reflections upon it, may be tempted hereafter to take fresh strides to injure America, and in the end ourselves.

Though Judge Blackstone has elegantly said, that the inhabitants of colonies, from the nature of their original settlement, are subjects of that country from whence they migrated, and are entitled to all the general laws of it, that is to say, the common law, for their own benefit, and that the UTILITY of it in certain cases is triable among themselves in their own provincial judicature; yet it does not appear that the revision he says it is subject to at home by the King in Council, would or could alter it ^{an} any way from the spirit of that very municipal or other law they were entitled to when they departed; nor, that if in the course of time, government, or rather domestic policy, should approach them injuriously, they should not, to the utmost of their power, resist it on principles of national justice; and
when

when I say power, I mean strength of arms, which, if subdued by superior force, or martial subtlety, in no instance affects the right they had to oppose what tended to reduce them from that original condition as freemen, to which they were born, and in which they ex-patriated for the benefit of their countrymen they left behind.

A great deal of stress has been laid on charters, and a breach of them (with which the Americans have been charged) has been called a denial of the supremacy in the authority that granted them; but this is trifling with the main question, and puzzling the object of enquiry.

Royal charters may have their use, when legally consistent with reciprocal utility; but if the grantees are interrupted in the virtual enjoyment of them by the innovations of Ministers at home, who, jealous of American prosperity, shall be able to procure laws without their privity or assent, to their apparent injury, no longer are charters those objects of security and benefit they were supposed to contain. The happiness and well-being of the people living under them is then invaded. Their native

tive rights as freemen are then violated; the chain of government is broke between *governor* and *governed*, because it ceases to produce utility.

The celebrated author I had occasion to speak of in the beginning, has been blamed for taking up this question on the natural rights of man; and it has been said by many sensible persons, (weakly enough, I think) that his principles are false; but it concerns me exceedingly to believe otherwise; for where a people are excluded from the advantages of a fixed constitution, to which they were born, and under which they lived for an age, and when that people are marked out as a prey for the advantage of a country from whence they originated, without respecting duly their own, which ought mutually to concur, what are they to exert but their *natural rights* in defence of themselves? Or on what principle are we to argue in their favor, but those of *civil and political liberty*? What are an injured people to do? Submit to oppression, No! And yet we are told, they are bound in duty, gratitude, and such like unmeaning terms, to bear a part of our national expences, for our care of them

last war, against our natural enemy the French.

In answer to which high-sounding expressions, I would ask, whether what we did for them in America last war, was out of a tender regard to their welfare, more than for our own? The fact I believe is in the negative. It was our interest to protect them; for had we lost them then, or any part of them, we had lost their trade, and all other emoluments we had before received from them, while they thought themselves allied to us by law or common right.

Yet, after all, how unequal to the task of conducting this same war have the Ministry proved themselves to be? Parliament has given them every assistance they asked; no unforeseen accidents have stood in their way; no foreign power hath interfered, and yet our arms have been disgraced; the flower of our army, with an immense artillery, under generals of fame, aided by a great naval force, have been blocked up in a sea-port town, and after repeated skirmishes, in which numbers of our men have fallen, they have not been able to do any thing but eat, drink, and sleep
in

in their blockade. Important fortresses have been seized before their faces, and governors driven from their provinces.

Ministers may pretend, while half our empire is losing, that they have been deceived as to the strength and condition of the colonies; but since they have deceived Parliament, imposed on their King, and disgraced this nation by a war against our clearest interest, wantonly spilling the blood of our fellow-creatures, the attention of the people is called forth to anathematize their procedure as pernicious and diabolical.

It seems reasonable, however, for a moment, that the Americans should contribute in some way to the support of that government, from whence they derive their origin.† But the object of dispute is not that they (as their enemies have urged) ever attempted to deny this concession; it is the manner in which such a contribution shall be raised that has caused the war; government contending for an arbitrary mode, America properly refusing an acquiescence.

I will here consider their taxation under three heads: They must either

† But this only by consent and courtesy, and not from force.

be allowed a representation in our Parliament, or they must tax themselves. They must either pay according to an established proportion, or be fixed at an invariable sum. To bring about either of these ends, their consent must be obtained. Such, however, is the relation between America and the parent state, that objections arise against all these ; not one alone.

In numerous assemblies, interest will prevail over principles of honor and justice. Even among mankind as individuals, we frequently see the latter give way to the former ; but how much more must the interested principle influence a multitude, where the turpitude divided among so many, is greatly diminished, and where it may be covered under the specious pretence of studying the national welfare.

If the ruling power should take its seat in England in regard to taxes, the consequence would be dreadful to the colonies, their property would be at the mercy of a body actuated by nothing but interest, and they would be in a state of slavery.

The same argument may be held in respect to the Mother Country ; but why?

why? Because she has brought them on herself by precipitately acting on *no other* principle than interest. The Americans tenderly treated must have been invited to such beneficial *further* submission, which might in theory have appeared to answer a reciprocal purpose.

If the other mode of taxation was adopted, and the Americans were obliged to raise a particular proportion of the supplies voted in England, we might then have difficulties, though perhaps none so great as in the other case. The only principle by which this proportion could be *fixt* is, the immediate abilities of the Americans, who, not advanced, like the English, to that improvement and consequence, which most likely are at their *ultimum*. They may make rapid advances in population, agriculture, and commerce, while England has seen all these at their height. From the extent of the country, the soil, and its natural produce, they may be a wealthier people than ever we were: but it is said that the progress of these improvements affects materially the principle of proportion, which, from the state of improvement both countries are in at present, might give
America

America too great an advantage over Britain.

Difficulties must certainly increase when we consider the manner of settling such quota to be paid by the Americans. If we were to fix them at the extent of their present abilities, they would naturally complain that they ought not to be confined in their trade, and that if they contribute to the support of government in England, why should not they possess the privileges which we enjoy by a free commerce.

The confining it is unjust in that case, and the submission hitherto has been of itself a contribution to England's treasure, by throwing the balance of that commerce into its favour, contra-distinguished from all the world besides ; yet the law of our Ministry is, we will engross their trade, and tax them at pleasure. Infamously wicked!

By the war, the contribution I speak of from the profit of their trade to *our* community, and the *customs to government*, are lost, and it is doubtful if ever America, after all her injuries, will suffer it to return.

A perseverance in their late resolutions must inevitably wear the Ministry out, and too late may they discover their ill policy in calling for supplies to support fleets and armies to block up 1500 miles of coast, when their efforts are more notoriously fruitless, and the nation more sensible of the ill effects of so scandalous a war.

If we consider that mode of taxation, whereby an invariable sum is fixt to be annually raised by America, objections will still arise.

As the state extends its empire, the national supply must continually vary; and to confine its expenditure during its advance, as well as its decline, to an invariable sum, would be every way absurd.

Should any accommodation now take place, which is the more unlikely from our Ministers having (to use a coarse expression) begun at the wrong end, such a mode of taxation is the most probable to be thought of by the Americans; which, if accompanied by a representation in our Parliament, would be the most constitutional, and favor as much of justice and expediency, as the nature of things will admit. It will
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nevertheless be defective; but better so, than for ever lose the thriving intercourse with that improving country, which from all present appearances will finally draw away the essence of the British constitution, and reign independent of all other powers in the world.

Every mode, therefore, of taxation, seems to, and must in its operation, either establish slavery, or create independency. There is no medium now that does not establish one of these extremes; for should America be fixed to an invariable sum, as it increases in its power, it will be the better able to pay or refuse such sum to Britain. Allow them to tax themselves, and it may be the same, with this difference, that such indulgence would rivet such eternal affection in the hearts of the Americans for us and this country, that they would never forsake us.

If, on the other hand, you allow them a representation, it will be a mere bubble, unless their numbers exceed that of our present House of Commons. And as to their consenting to a fixed sum, it is what we have no right to expect from them, without allowing

lowing them *a free commerce*, which perhaps would be losing more from the one, than we might receive from the other.

So that to view the important question as it is, whatever prospect in peace *we had* of winning or alluring the Americans to assist us, in our national wants, over and above the numerous advantages we derived from our trade, is now by war banished and destroyed. Right is to give way to power, which (if successful) plunder results; for what is it, but plunder to kill those who never trespassed on us, and to take their property against their will.

I have heard it alledged, that the honor of parliament is pledged, and at the mercy of America. This is false; America is in the merciless hands of men nearer the throne.

Governments are instituted among men to secure life, liberty, and private happiness, deriving at the same time its just powers from the common consent of the governed. The Americans, according to this principle, are not within the bounds of our present government. They are strangers to it at this moment, because no consent

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in them has created them a people governed. Whenever, therefore, any form of government becomes destructive of the ends it is meant to promote, it is the right of the people to resist, to alter and abolish it, not for trifling, but substantial causes.

The Americans in Congress have sensibly said, experience hath shewn that mankind are more inclined to suffer, while evils are sufferable, than to attempt to right themselves. But when, as they further alledge, a long train of abuses, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their duty to throw off such government, and provide new guards for their future security. Such have been their patient sufferings, and such is *now* their necessity to resist our government. They have given a catalogue of their complaints against us, which, as it is too true, impresses us with sorrow and compassion.

I have often conversed with men, professedly friends to the conduct of our present Ministers, on the great article of GOVERNMENT. I have discovered them violent in their wishes
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for subduing the Americans; while altogether ignorant of what constitutes *any* form of government; or what are the ends of it, which with me has ever been an excuse for their ill-guided understandings.

To obtrude a few thoughts of my own on government in this place, may not be unnecessary, since the public will read these pages as well as your Lordship, to whom alone it would be impertinent in me to speak on a subject, by you already much better understood than by me.

By your Lordship's permission then, it has been long observed that man (naturally a social being) is not big enough to live by himself, but that necessity, from his wants as an individual, obliged him to associate with his fellow-creatures in order to relieve and anticipate them. Experience has proved the truth of this, and without exploding an opinion of a celebrated writer, whom I have already quoted from, further than what has been ably done by the author of a Fragment on Government, † respecting a state of nature as distinct from a state of society, it appears plain that the latter is consequent-

† A very ingenious, laboured production, lately published.

tial to our creation, both as a relative quality to our very nature, and as a beneficial one, not only to ourselves separately, but to us all collectively.

Let the origin of society have been what it may, without it man would not be equal to the brute ; for if only self-protected, and subject to no fixt rule of right beyond his own will and pleasure, he would be wretched ; and was there no society, his exigencies would leave him below the savage, ungoverned, and of course liable to distress, carnage, plunder, and confusion.

Society therefore tends to remove in the first instance the causes of all these calamities, and to abate the perils that might attend us without it. This, however, would be insufficient, and but poorly effect the purposes to be expected from society, without an assurance that a GENERAL UTILITY would result from it, a thing which every human engagement has in view in its very formation. To obtain which, certain principles are laid down and subscribed to by individuals collectively, for the establishment of what is understood a public and private government

ment of the whole; and such an establishment I take to be a political constitution, upon which obedience is grounded for universal benefit, so long as it continues uncorrupted.

In this sense, government implies every thing for the welfare, safety, and protection of the people governed. To suppose the contrary, is striking at the essence of its foundation; since individuals in society never contributed thereto but from a positive faith, it would be for their general emolument; and it is folly to say, that because governments perhaps erroneously formed or corrupted, and submitted to merely from inability, to oppose the tyranny of the ruling power, that such governments are unalterable in theory.

If governments are supported by the governed (and there can be no government without a support) it follows, that those very parties constituting a government, are only bound in their obedience for their own advantage simply and aggragately; and as the ingenious author of the Fragment on Government premised, says, Obedience, however first created, is not binding
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on any one, unless in the case of UTILITY.

We have not yet learnt, that God in his providence formed men as Kings and Rulers, independent of their fellow creatures. They are earthly beings, and not like the Kings of the Jews, *Lords anointed*, except by the hands of an Archbishop, a being equally earthly. It is then clear that mankind, in whatever state or condition they are in, are all necessarily concerned in government; and tho' in time they might want a power to correct or reform an abuse of it in the hands of prostitutes, the right to do it is inherent in them. It may be a misfortune that the state they have contributed to establish, should ever become so overgrown and powerful from their suffrages, as to make a redress impracticable by a feeble resistance, which arbitrary craft might constitute treason.

Yet under all despotic governments (which are so from the accumulating power they draw from the governed) is this unhappily the case. The subjects of them are slaves; UTILITY among them is limited, not to the governed

verned at large, but only specifically among the governors. The consequence of the last is derived from the vassallage of the first, who by natural right in a proportionable degree, are entitled to share the blessings of government with those into whose hands it may eventually fall.

But it has been very arbitrarily urged, that individuals have no right to complain of any government under which they are born, or to oppose with intent to break the political chain their ancestors had assisted in forging; this would rob us of our free-will, and make us mere machines, acting under the will of others, for their purposes, distinct from our own. Reverse the position, and we find it more consistent to truth that we are not by nature formed to act under the will of another, without our own concurring with it, which constitutes a unity for the happiness and well-being of both. If it was otherwise, it would seem that government was never formed, for the good of society at large, but rather for the benefit of such parts of it, who by the gradations of good fortune might be born to a superior state of

of worldly consequence, which is the case in all despotic governments.

It is immaterial to enlarge on the origin of the various forms of government in the world in this letter; suffice it then, that in regard to the constitution of England, which from the days of its first foundation has been excellently improved upon by our statute laws, the same being palpably wounded and invaded in the time of James the Second, justly occasioned a *revolution*; otherwise Britons would have been slaves by this time, and the argument held good, that individually they had *no right to complain*, because they had no power effectually *to oppose*.

By such a tame acquiescence to tyrannic strides, assisted by corrupt Ministers, we might in time dwindle into the most abject condition, and forget that we were confirming slavery to ourselves under that government our ancestors had supported, not only for their own glory, but, as they conceived, the glory of their posterity.

Thus arguing, we are brought to the point between England and America; the former now seeks and sues for an unconstitutional submission from the latter

latter, which, if obtained, will infallibly stab the vitals of the British constitution, and wound the blessings we enjoy at home as a free people. Americans are Englishmen; to exclude them from the benefit of an English constitution, is to make them aliens. They have delighted in the name of Englishmen, even while they thought themselves entitled to it in a secondary degree; but when convinced of our attempts to deprive them of the benefits common among ourselves in England, and to force obedience to laws from them, to which they are no parties, they made a stand on principles of UTILITY, the destruction of, or infringement upon which, in any way whatever, is to undermine the stately pillars of government. A resistance in this case is a political and a social virtue, since the mischiefs to arise from it may be less than those to be expected from an obedience and submission to it.

Hence we find that the American declaration in Congress, in regard to independency, is founded on publick necessity. The purposes of that government under which they were here-

tofore subject, being clearly opposed to their utility, the same as to them, is morally and politically dissolved. We have forfeited our right to any allegiance from them by our own merciless and improvident conduct towards them; the consequence of all which I suspect will be dreadful somewhere.

When we think of the cruelties practiced by the Dutch at Amboyna, or the savage brutality of departed Nabob slayers, who have lain wide waste in Asiatic domains, for no other cause but rapine and riches, they appear but trifling compared to our dealings against America. The ravages of the former were made against aliens, for private property; those of the latter are making against a part of *ourselves*, for public loss both of life and treasure.

Wretched period this! in a reign when the arts are improved, learning familiarized, and our kingdom flourishing in its trade, overflowing too with wealth; which seems to give scope for the licentiousness of government, while religion is refined into mockery, virtue insulted, and vice openly practiced! Political things cannot be worse than at present, and a change of some kind must soon succeed,

succeed, before the Ministry have glutted themselves in their present bloody pursuit; and before they are made sensible that they are forcing the Americans into eternal wrath and enmity against us. They are now in full career, and whatever may be their secret compunction, hope cheers them on in their schemes, which they must either gratify or (dreadful alternative) quit their stations with loss of life.

Well do I recollect a quotation of your Lordship's in that speech which brought about a repeal of the first stride to tyranny, the American Stamp Act. It was from Mat. Prior:

“ Be to her faults a little blind,
“ Be to her virtues very kind.”

Which was supposing the Americans to have faults, while it allowed what could not be doubted, that they had virtues more than sufficient to counterbalance such faults: but when your Lordship withdrew, and left publick things in the iron hands of Scotch drivers, whose ostensible conduct was soon exploded, and themselves hunted from open day by an inflexible and desperate commoner,* America began to be rendered in-

* Mr. W——.

imical ; and by gradations every attempt has been progressively made, every subtilty contrived, to forge chains to bind the Americans down to the power of Britain.

While all the schemes of the Ministry have been agitating, how offensive to themselves have been the publick sentiments of American liberty, and those which have not justified them. Anathema's have been lately promulged against the news-paper printers for telling their readers what ought not to be concealed from them, the news of America.

In all wars the people have a right to know every thing relating to them ; but our Ministry, finding the merited displeasure of the people against the present, they use their utmost to withhold from us the language of those they have raised against themselves, but whom the main body of England yet deem their friends and brethren.

The last occasion on which government exerted its thundering voice was, that all our news-papers had published the declaration of the Congress, which wounded the more because plain truth, in simple language, apprised the people
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that government had imposed on the King, and lead him to countenance and *dignify* oppression towards the colonists, who before loved us, dealt with us, and deemed us their common parent.

Independence, however, is now declared, for reasons which I am sure must chill your Lordship's veins, at every recollection; and tho' your Lordship is in that calm stand-still of life, in that interstice, which all good and great men employ for future happiness, I trust you cannot turn your mind towards your country without a sigh, and deploring the horrid effects of a depraved administration.

All America is in arms; the West India islanders are fighting with the most piercing apprehension, that their all is in danger; and that from ease and affluence (the rewards of their industry) they may soon be levelled to a primitive state of dependance and want. The produce of their estates, when committed to the seas for England, is now in surrounding danger. Their necessary supplies from America are curtailed; their wants therefore increased. They may dispense with their necessities produced by this war for a season,

season, but it is impossible they should dispense *entirely* with them; and should the Americans thrive under their injuries, their country must be lost to us; and with it such West India islands as now belong to us; since it will be utterly impossible for England to supply them at so great a distance with those very material articles which are necessary to their situation, and which, before this war, they most conveniently received from America.

But let us suppose that after a long and severe struggle, conquest favors England; will our government then not rule with every sway in America? Certainly. The Americans are apprised of this; to guard against which, as also every previous assault against them, they are warmly animated, and will, beyond a doubt, make a conquest *trebly* arduous to their assailants, who have *three* oceans to cross, *a variety of winds* to encounter, *seasons to watch*, and *storms to weather*, before they can renew their battles.

All which time America is fixed in *terra firma*; her warlike vessels are traversing her neighbouring seas, and taking our ships of value. Their own,
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which thus annoy us, are of little by comparison.

Miserable is the reflection, that we feel from these particulars ; which serve only to convince us, that distress and disappointment is probable to spring from the conduct of such an administration as that we have seen, in a change of men, since your Lordship retired.

To gain America back, must at all events require immense treasure. To keep it (if gained) will require a standing army. What account then must such gain make in favor of England, when her treasure is exhausted to a degree of wreck? Surely little. America may be debited for the balance ; but after a bloody war, it cannot soon (if ever) discharge it. Hence England, as I have already said, will suffer in a conquest, and the *vanquished* be left secret and jealous enemies, continually watching for every opportunity to gain strength, to emancipate themselves from that sordid slavery and arbitrary dependance, which their *conquerors* may for a time inflict upon them.

Yet

Yet supposing that they will be subdued, and that afterwards they should be successful in their endeavours to enjoy, what all the world has a right to, *civil liberty*, no longer will this be *Great*, but *Little Britain*. Contempt would be its portion from America, and from what cause, I am sure the reader may now well determine.

This, my Lord, seems too truly a portrait of the affair between Great-Britain and her Colonies. It may be indelicate in an individual to arraign the measures of Ministers, who in opposition to the most able arguments in both Houses of Parliament, have affected to cast the sneering smile thereon, and disregard their force; but when all the kingdom is animated in so great a cause as the present; when imposition is gone forth, and every deceitful lure cast before a misled people, who have addressed the throne with *savage folly*, it is a duty an individual owes his political society to draw the veil aside, and undeceive, if possible. It is the common cause, and the people ought to be satisfied in its conduct and expected event, since to the people
only,

only, do all political bonds owe their force.

To deceive the yeomanry, or stir in them false desires, false hopes, or false expectations, is to impose on those whose common cause is at the mercy of their Ministers, and eventually to subject such Ministers to the people's vengeance, as traitors against their common happiness. The Roman and Spartan history give evident testimony of this truth. Among them, enthusiasm prevailed with the most humble characters, and rendered them severe objects of revenge against the traitors to their complaining country.

In a government wholesomely formed like ours, the people at large are not excluded from it. Their eyes are constantly upon it; for were it otherwise their freedom would in time degenerate, and despotism ensue at home.

This country has already had too much reason to deprecate, since the reformation, Kings, Queens and Princes, for their arbitrary wickedness. It has cut off a Charles, a Buckingham, and degraded a Woolsey and others, for no other reason than because they had se-

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parately prostituted the power reposed in them.

If then our common happiness is at the mercy of a present King or a Ministry, *self-sufficiently formed* to try experiments at the price of human blood, without effecting a universal good, who shall we offer up our curses against? And who shall we (like DeWits in Holland) commit to the just punishment of an injured mob?

Government, notwithstanding these arguments, which I am far from thinking new, or hitherto unsuggested, wander from every thing that in theory favors America, and puts a final question, *Whether the Americans can possibly be dependant on, or live under a milder state than that of England?* Taking for granted they were equal to those who do, the answer is, certainly NOT! But then, my Lord, let us amend the question, and ask, *Can the Americans be a more happy or thriving people under any other state in the world than ours,* corrupted as it may be towards them, by imposing taxes according to their ability, to be *determined by us?* Possibly NOT, but not probably. Discretion in the ruling power

power may for a time be limited; but for the reasons I have already submitted, † it is an evil in embryo, which the womb of encreasing power produces in the shape of that monster, TYRANNY. This question, therefore, state it in what form we will, is premature; the object of it the Americans are alone to digest. The view of utility in the *Governors*, may continue the violence they have begun against the Americans, distinct from any utility in them; and the fear of losing so large an appendage to Britain as North America, induces them (the Governors) to subdue, if possible, that country. But in the immediate resistance of their efforts to effect such an end, the Americans flatter themselves with having a sufficient strength to oppose a tyranny on one hand without foreign assistance; and on the other, should they succeed in that opposition, to raise up a free constitution of their own; tho', whether so or otherwise (if *we are wrong*) is no consideration to us.

If by foreign, or other assistance against us, they should now, or hereafter succeed, and in consequence fall

† See page 28, 29, 30, 31.

into more despotic hands, it will be their misfortune, and our consolation will be, that our *despotism* was the occasion of it; so that unless they are able to establish *an independance*, they must in a degree be *more or less slaves*.

As native freemen, their blood recoils at the thought of such alternatives, and makes them desperate in their attempts to avoid either. Government may attribute their general commotion to the conduct of a few capital leaders, and pretend that a mob of ragged ruffians are misguided; but I would bring to your Lordship's mind, that the success attending all popular events has arose from capital leaders: to want them on great occasions, is to have the fangs of tyranny too fatally fixed on a degenerated people.

The dazzling intelligence of success to butcher the Americans into the terms of government, may be read with avidity by those who rejoice in the means prosecuted for the purpose. 'Till their ill-founded prejudices are eradicated, and they have sufficiently informed themselves of the impropriety of their wishes towards establishing what they falsely suppose a national right, by the sword, ignorance will enlist

list them under an arbitrary banner, and stamp on them the name of false friends to the constitution of a country they know nothing of.

I am sorry to find, that in Britain there are men possessing that servile humility, to adore the present conduct of their rulers, and to deem it sacred, without reasoning a moment on its oppression. Such a disposition (which prevails too much in most men who favor government at this time) is only becoming a Frenchman, to whom servility is natural.

I make every allowance for immediate interest and convenience, and on that account cease to be surprized that any Minister should have so great a majority as of late. Men who give up their thoughts to their superiors must always be deceived, or having none of their own, become meer machines for their *use and abuse*. Of this miserable sort are the many (otherwise worthy) men, who have divided in favor of government against America.

Our only paper of publick authority has announced the taking of Long Island, New-York, and at last a success in two skirmishes on Lake Champlain. The defeats sound glorious, and their
recitals

recitals make wonderful columns in a London Gazette. To examine seriously and feelingly into the particulars, the truth is, that with an immense superior force both by sea and land, in all these *great* skirmishes we have forced our enemy to---A RETREAT, with the loss of *we know not how many men*. It is remarkable too, that in the accounts dispatched to us by veteran officers, we read the most fulsome compliments on themselves. They praise in exalted terms the valor and activity of their men in doing---what? Why, by a prodigious overpowering force, with able generals, opposed to inexperienced ones, three-masted ships against sloops, heavy artillery against light artillery, they were able to oblige a retreat, and to observe the firing of a town or two.

This, I think, is what our loyalists call success; if it is so, it is without advantage. We approach no nearer the object of our pursuit. No; that is to be done by a hostile traverse over all America; and, beyond a doubt, by killing its people, and forcing them to demolish their towns, *in time, with additional expence*, we may reign the bashaws of an eventual remaining few, and glory

ry in an absolute seizure of their depopulated spoils.

Thus have I proved that (unless an early, amicable end is put to the war) our conquest will be a real defeat, whatever may be the consequence of fasting and prayer to HIM, to whom all hearts are open, for a forgiveness of our sins, and for assistance in his providence to obtain such defeat.

It would exceed the limits of this letter was I to enlarge on every minute circumstance which might occur in the discussion of so great and so important a point as the present. In fact, had I been at first inclined to have reduced my thoughts into a copious pamphlet, I should have arranged them under distinct heads; but from what had been at the very moment published by Dr. P----, it was unnecessary in me to beat the same paths in search of political and constitutional truths.

I have therefore confined myself to this general review of the whole question, as debated upon in its various shapes. In the deduction of my subject I have united reflections to facts, and have hopes that your Lordship will discover, that wherever I shew a severity,

rity, the same is called forth by the subject itself, and is not described from a desire to anticipate the opinion of those readers, who may honour me with a deliberate and candid hearing. To such, after your Lordship, I dedicate these pages ; and if they shall be found to contain a dispassionate examination into the policy, justice, or honour of the war against America (which has been my study) I shall be well rewarded for my trouble in filling them.

Unconnected with any party, divested of all prejudice and partiality, I have endeavoured to speak the language of truth, and to try the American cause at the bar of an English court of justice. The English constitution has been my guide in respect to taxation ; the nature of government has directed me in respect to the pollution of its end towards the Americans. The laws of policy, opposed to those of utility, I have enquired into as far as was necessary in the compass of a letter. Tho' a private individual, of perhaps but small consequence in that society to which I owe my welfare, I cannot help condemning, from the reasons I have here thrown together, measures which

which appear to me as a christian and a freeman, not only destructive of the very end they are intended to effect, but (what is much more to be lamented) offensive to our religion, and ultimately injurious to the prosperity of our country, hitherto unrivalled by any upon earth for liberty in all its forms; for grandeur, and universal happiness.

It is a maxim that Princes own no umpire but God, and that their disputes must be tried by him in the blood of his creatures; *terrestrial justice* then attends the strongest side, and is but a *name*.

The dispute, however, between Britain and America widely differs; it is not the dispute of Princes, it is that of Prince and People contending for a novelty. That People are united to oppose what they (with reason) deem tyranny in the Prince they once acknowledged as their Sovereign; that Prince, by his Ministers, is now persevering in their inimical measures, and relies on arms and superior force to support them.

Examine the sentiments of these very Ministers, headed by Royalty and the Privy Council, and we find they

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inform us nothing beneficial either at present to be expected, or that carries a shadow of profit in the remotest futurity. All they contend for is *obedience where it is not due, and violence where it is ruinous in the event.*

Unfortunate indeed is the reign which abounds in general depredation and wilful error, with the complicated folly and wickedness of vindictive tyranny.

I will not now pretend to biograph particulars, but there is every reason to believe, that posterity will find an historian before whom facts will be spread for him to describe sententially Wilkes's mob, raised in consequence of ministerial turpitude; the countenance murder of an Allen; the troops drawn out in St. George's-fields; the defeat of an unarmed assembly there; the cowardly and blood-thirsty triumph of the third regiment, with, lastly, a butcherly war against the Americans for refusing as Englishmen to be eventual and effectual slaves.

To conclude, my Lord, I suspect that the language of Doctor Price where he says, "That an important revolution seems to be approaching in the affairs of this kingdom; and that

if ruin is not to be our lot, all that has been *done* must be *undone*," carries too much solid sense and truth to be a moment controverted for the good of this country; which, from a system of improved corruption, has long laboured and groaned under accumulated disorders; even tho' we have among our Peers a Richmond, a Montague, a Manchester, a Devonshire, a Camden, a Shelburne, a Fitzwilliam, a Thanet, a Cholmondely, a Stamford, an Abingdon, an Archer, a Ponsonby, a Chedworth, a Boyle, a Craven, a King and Portland; and among our Commoners a Burke, a Barré, and a Glynne, with many other independant men, who by their arguments and intrepid endeavours to serve their country, reflect every honor on the cause they are engaged in, as well as satisfaction and pleasure on those freemen who observe their behaviour.

But as Doctor Price in another place says, " It is unnecessary to relate what would render a Ministry estimable to the people, since a horrid civil war is begun, which will probably leave us nothing to be anxious about."

May

May the Almighty God, therefore, in his providence withhold the bloody arm, and teach our rulers sense to know their error, with judgement and humanity to reconcile and appease all their transgressions, before we are totally immersed in worldly wretchedness, or exposed to the scorn of our neighbours in Europe, and pitied on earth by none.

Libertas & natale solum.

APPENDIX,

A P P E N D I X.

WHEN a writer takes the Liberty he is undoubtedly entitled to, of speaking such Language as tends to arraign the conduct of Ministers, there are not wanting persons very ready and willing to arraign him in return, and if either is done with candour and good temper, the reader is likely to improve from it.

Liberal thinking, the condition of the Writer ought not to be questioned; ---Solid sense, experience, and a due attention to Truth, should only be searched for by the reader, which if found, so far the writer is deserving of praise. Such, however, is the nature of things, that truth is often bewildered, and we either want *judgment, candour* or *capacity* to bring her forth in the simplicity of her colours. It is from hence that truth is confounded, and the prejudices of the human mind, from

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ignorance, affection or interest, blind it against her. It is from hence also, that mankind differ in opinion, which in argument, often by the most able orators, ends in little more than empty noise. The corruption of our mental faculties (leaving alone our incapacity) occasions the slavery we hear of all over the earth; and to this corruption and incapacity, are our rulers at home appealing their sophistry, to amuse and intoxicate *both* into more than folly. --- Presumption may appear in an attempt of mine to clear the mind of false impressions by what I have said in the foregoing sheets, but let the readers of them who think so, say what they will, I feel an honest sincerity in the intention of them. I wrote them not for pecuniary profit, but to remove (if in my power) the errors of those who had before received a contrary opinion to what I have endeavoured to support therein; but I find that my sentiments to some are offensive, and by others I am called an American partizan,

partizan. I confess, notwithstanding, I have no reason to change any of those sentiments, after all that has been argued against them. I have conversed with many people on the subject of them, and instead of altering my opinion on a single point, it has rather given me new lights to confirm it by.

I totally disregard the effusions of malice and scurrility, and while I think my industry engaged to a liberal purpose, I am persuaded my candid readers will accompany me in this reflection.-- That Virtue and Truth will ever prevail over Scandal and Falsehood.

It is confessed on all sides that *State policy*, not justice, † contends solely for our War, against poor America, and we hear from our political leaders nothing held forth to justify it but *national honour and Sovereignty*.---The profitable consequences they are silent upon, and that subject they reserve for future discussion.---What then are we labour-

† This word seems indefinite in its real signification.

ing for but dominion? A dominion too which (if obtained) can produce nothing but jealousy in the minds of the conquered and their desolate spoils.

I have heard it said that the Colonies were his Majesty's *property*, and their inhabitants his *people*: That they lived under *his government*, and therefore their defending themselves against him and the state policy of *this* country, is absolute Rebellion in them. I have slightly considered the reality of this, in the preceding pages, and if a Son in defending himself against murder from a Father can be called a Rebel, then the Americans in their resistance of the power brought against them to compel their obedience to the legislature of Britain, are Rebels; but if their endeavours to repel their invaders by force, is encouraged by a breach of that constitution they once gloried in, in open contempt and manifest violation of their rights and liberties, then it will be difficult to bring a reasonable man who

(who has any idea of a free Government) to think, that those very endeavours are acts of Rebellion.

Is a King of England and his Ministers of State Policy to mangle and lacerate the inhabitants of his colonies, because those colonies are the property of his crown by simple occupancy and discovery? Is he to do as he pleases with them? If he is, he becomes a *Monarch in England*, and a *Nero in America*. And what is it less than a thirst to do as we please with the Americans, while we are draining away the forces of our country to cram down laws among them which are merely tributary, and this as the Turks do to this day among the Moldavians?

The question is next put whether they have not always lived under our Government, and whether they should not in justice continue to do so? To which *justice* replies no! unless to their joint advantage with those who govern them. The assistance, protection, or encouragement)

ment, or call it what you will, they have ever received from Britain, has been no more than *sowing a single barley corn, which has produced us a score*. I mean by this metaphor, that such encouragement has brought us in commerce more than double profit.---The advantage to this country was very great, till America began to be insulted by the appearance of oppression from it, and until we proved ourselves unworthy the confidence of her people, who had been subject to the legislature of this Country on principles they had never examined, and which they had thought of mutual utility: but when the mask was removed from the faces of British Ministers, and the Americans saw dominion was sought among them, they were alarmed. They then examined their situation according to their true condition.---They found themselves on such examination *limited and confined* by several Acts of the British Parliament, which had caused a very considerable contraband trade

trade among them.---Their alarm was encreased by the news of the Stamp Act, and their minds were inflamed at it, They were quieted by the repeal of it, but it was impossible they could look up to our Legislature with that *innocent unsuspecting esteem* they had done before, because what had *once* happened, *might* happen again, and the passing such an Act as the Stamp Act was in itself expressive of an intention to injure them. An injury *may* be forgiven, but it is seldom forgot; one well meant offence, tho' ineffectual, supposes another *may* follow it at a more convenient time. The Americans therefore, after the repeal of the Stamp Act, were yet, for these reasons, unhappy; their confidence in us had been shaken, and they watched suspiciously over our future actions by them. Indeed they had a severe cause: The Declaratory Act, (an arbitrary one in its nature) convinced them of it, and the deluding Tea Bill completed our design: A part of America revolted
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at it;--The inflammation spread, and the Colonists determined to resist it: They did resist it, and have since prepared for a defence against a second invasion. They remonstrated with, and petitioned the Throne; they and their supplications were despised, and we at last proclaimed them Rebels. We have heaped on them the dismal consequences of our hostile proceedings against them, in addition to our contempt and ridicule of them. They still hoped for relief, but when our Gazette teemed with addresses to his Majesty, inviting him to arms against them, those hopes vanished, their blood recoiled at us, and they began to concert new guards for their future safety.

War is said to be an indemnification for bloodshed, and all its consequences, among its respective objects; and when begun and carried on by the known principles of the Constitution, all civil punishments cease. It may be otherwise

otherwise in a state of *Rebellion*, which when reduced, may subject the Rebels to the punishment of TREASON.

Let us here examine the pretended Rebellion in America.---

If the Americans are really *Rebels*, they are *Traitors*, and if we succeed by our arms against them, they are punishable accordingly; yet it is a contradiction in terms to suppose them so, as *Treason* imagines an offence against the *security of the King and his Kingdom*, which is what the Americans do not appear guilty of; they are *only* defending the *security of themselves*; they have not quitted their homes to injure the security of the King, or his Kingdom. I wish I could reverse this fact by us towards them, but it is improbable, they are but in a state of *Resistance*, and by their forced declaration of independence they have withdrawn their allegiance to the Crown of Britain, therefore they may be *Enemies* to our present endeavours among them, but they are not *Rebels*; neither are they traitors, since

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none

none but subjects of the King, either in open War or Rebellion, (which with us is the taking up arms *traitorously*) are the King's enemies; this is distinguished in our law from the Roman principle.

If this independance can be maintained, we shall be considered as their *enemies*, and never their *friends*; we shall then have no *legal* idea to comfort ourselves under, as an indempnity to us, for the mischiefs we may have done them, and neither Grotius or Puffendorf will be able to remove from our minds a dismal reflection on them. Our consciences in that case will be harrowed up to our living mortification, and death will terrify us with a recollection of what we have done.

But to take for granted we shall subdue the Americans, will they renounce their independence on any unconstitutional terms? If they do from any necessity, a *Resistance* afterwards cannot even then be called *Rebellion*. It has
never

never been alledged, that they have not *a right to independance if they can possibly support it.*---A resistance against any power to prevent it cannot therefore be Rebellion.

And now we are speaking of *right*, it may be proper to define a little on what it is.---In communities, or if you please morals, nothing is right, or wrong in itself,---It is only the one, or other according to some known and established rule of action, prescribed to individuals in society by their legislature, that is, by *themselves* as reflected in those they have adopted to form that legislature, and this is what is called by that great and comprehensive name LAW. In a state of nature man has no rule of action, but such as he prescribes to himself,---Revelation distinguishes to his reason Good and Evil; which enables him to discover what is necessary for the conduct of his actions. The rule of obedience in Society is reduced to this ---*That Man shall pursue his own*
L 2 *happi-*

happinefs. The corruption and error of his reason and understanding, nevertheless, induced his Creator to *reveal* to him Good and Evil, which revelation is much higher, and more authentic than any thing we have discovered from our reason to be the law of nature, on which, and Revelation depend all human laws. Man therefore in a state of nature requires no law, but of nature and Revelation. Any other is impossible to exist, because law supposes a superior, and in nature we are all equal, and have only a superior in God; but as social beings, incapable of living alone, Mankind in different parts of the Earth have formed different societies; those societies different independant states and nations, subject to a mutual intercourse. In these states another law arises, called the Law of Nations, for their regulation. These states are equal---They have no superior on Earth, and in contention with each other, they have no umpire

umpire at all but God in his providence, which is the Natural Law.

The state of England, by discovery and occupancy, enlarged its territory in America, which was originally inhabited by human beings, governed chiefly by the law of nature, except where their necessities or quarrells, in an inconsistent state of rude Society, obliged them to unite in distinct bodies, in defence of some violated rule of *natural* Action, which when adjusted, they returned to their natural state again.

Our discoveries however, in this mighty country encouraged our colonizing there; the consequence has been nationally profitable to us. Our Colonists being originally born under our excellent free Government, flourished for *our* advantage; they encreased to a mighty people, and when they imagined themselves injured, they contemplated on their true condition, and found that to defend that injury, was to support a
Right

Right according to national law (formed by the declared independent State, as an alienated and sepearte community) in subordination to the laws natural and revealed; the last respecting Good and Evil, the former self defence.

Therefore if right or wrong, is so according to law, revealed and national, it is a spiritual and temporal rule, and hence all things are the one, or the other, in themselves; but in regard to Municipal Law, which considers man as a citizen and a neighbour, they appear to be otherwise; and relate only to things prescribed as such, by different communities, as the necessity of them may require, for their safety and protection.

To allow, from these premises, that the Americans are subjects of the law of nature, revelation or nations, or that they are citizens or neighbours, they do not then appear undutiful. Revelation (which respects Good and Evil) tells them, it is an evil to invade, or be invaded.---Nature points out self preservation,

vation, and an appeal to God for it,---
and national law sanctifys the attempt.

Hence, if our arms should prove destructive of our own purpose in America, we shall have (to repeat the assertion) nothing to warm our consciences with but the idea of proclaiming the Colonists Rebels, to pardon the mischiefs we may have scattered and left behind us.

It is manifest that our political leaders, driven from the field of argument on every ground, have long given up the discussion of a point they have nothing to support, but obstinacy and dogmatism.--- Reason and law they have passed by, as unuseful to their purpose, and they have recourse to the national power, for success in *their Will* against the Americans; but it can never be truly said, that such success (should it happen) will ever establish an opinion, that *Right* will accompany it, according to that examination of right and wrong we have before made.

Indeed

Indeed by that savage rule where one man has filled his pitcher with water from a river, (which is the common property of all) and another meets him; in his way to that river for the same purpose, but to save time and trouble, he takes such pitcher from him by superiour force, and says, he is justified by the law of nature for so doing.---I repeat according to this savage rule, our political leaders are right in their present schemes. But for *a civilized state*, to act under that rule for the sake of a false advantage, they think our Country may have in the possession of another, is madness and folly. It insults the great God of Nature, and supplicates his providence to justify a barbarous purpose among his creatures. The Assailants are here the offenders, and the defenders do right in taking every advantage to secure themselves.

It is next held forth, as a horrid cruelty that they should do this and not adhere to the regulations observed in a natural

war

war, when each contending state appeals to power on principles of martial actions. This is ridiculous. It is treating the Americans as fools, and contemptible cowards. We have carried out the whole force of our Country against them, to kill, starve or harrafs them into obedience, and finding them sensible and resolute, (though unpractised under arms, or in tactics) we pronounce them barbarians for taking all advantages over us; which in fact, is expecting them to observe the strictest cartel, and after deeming them the most abject wretches ever formed, it is wishing to put them on a footing with us. It may at this time be wise to do so, in order to delude them into the field, because our troops would then have the advantage, and the unprecedented ends of our political leaders would be answered. The sense of the Americans nevertheless, of all the laws natural, revealed, national, and municipal, teach them better than to cope with us on martial regularities,

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rities; and they have wisely concerted and pursued those measures which best tend to give them advantage over their enemies, and at any rate (if they should be obliged to submit) to make a conquest over them, as dear and as unprofitable as possible.

We hear much of the authority of law, which every man is bound to obey in free states---true---while all the members of that state are concerned in its establishment; but no men are bound to obey the authority of law, unless they are parties in the legislature that claims it. In a free state, a representation is either necessary, or not; if not, we might dispense with it in England, but if it is absolutely requisite, in order that every Englishman shall govern himself, it must be so in America, otherwise, the state acts according to the general pleasure of Britons, and contrary to the sense of the Americans, which is the present fact.

Ireland

Ireland has often been mentioned as an example that America *ought* to be subject to the Crown of Britain, but not that it *ought* constitutionally to be so. Conquest goes a great way to make tyrants of the conquerors. It was little short of tyranny in Henry VIII, when he assumed the title of King of Ireland. After the conquest of it by Henry II. the English planted colonies there, and obliged the Irish nation on oath, to receive the laws of England, which the people of Ireland conformed to, and have since been subject to such laws as the conquering state thinks proper to prescribe them.

But though Ireland was forced to receive the common law of England, and its people to be governed by our general rules of justice; yet we find no Acts of Parliament since King John's time, extending into that Kingdom, unless specially named, and according to Judge Blackstone, the reason is given in the year books of Henry VI. "That a

" tax granted by the Parliament of Eng-
 " land, shall not extend to Ireland, be-
 " cause the Irish are not summoned to
 " our Parliament; and again, Ireland
 " hath a Parliament of its own, (which
 " it had also before the conquest of it)
 " and maketh and altereth laws, and
 " our statutes do not bind them, because
 " they do not send Knights to our Par-
 " liament, but their persons are the
 " King's subjects while they continue
 " under the King's subjection."

This is all true and reasonable. Ire-
 land was originally a distinct and neigh-
 bouring dominion; it was conquered by
 the English. The Irish were forced
 into an allegiance with us. It so hap-
 pened that they have benefited by it.
 Under our municipal laws they became
 more and more civilized; but an ill use
 being made by their Chief Governor,
 of his power, who held Parliaments
 among them at pleasure, Sir Edward
 Poynings, in Henry the VIIth's time,
 framed certain regulations, which after-
 wards

wards, by the Parliaments of Ireland, independant of Britain, passed into laws, among which is one, that all Acts of Parliament before made in England, should be in force in Ireland; and as it appears that no law made in England from King John's time, to the time of passing Poynings laws, was binding in Ireland, so no law of the English Parliament made since Henry VII. is binding on the people of Ireland, unless especially named.

Let us now see what analogy there is between Ireland and America. The former, on principles of UTILITY, by its laws, (unrepealed) has owned a subjection to Britain; the Irish receive no injury by acts of Parliament passed in England, and they are subject to no tax but by their own internal legislature. They have a negative power over any law that may be passed by the English Parliament to affect them. They are near to the fountain of freedom, and participate the course of its river. They are too
near

near us to suffer the rays only of liberty to shine upon them. They preserve the substance.

While power remains with the superior state, to keep in subjection the conquered one, we may plead the law of nations to support that subjection under the right of conquest. But all this does not prove that civil liberty forbids the conquered from recovering their primitive independance, when power may enable them.

Were it wise and expedient to do so, Ireland might repeal all the laws of Poynings, I say it might do this by the law of nature and nations for its general good; neither do I understand from any principle that there is a compact, expressed or understood, between the conquered and the conqueror. Judge Blackstone has, perhaps, in becoming terms asserted that, if the conquered will acknowledge the victor for master, he will treat them as subjects, and not as enemies. Why the word enemies? Are
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an unoffending people enemies to any one on earth? They were rather friends, by pursuing bliss in their own way among themselves. I mean the Americans. We searched them out, drove them from their native homes, and as in Ireland planted colonies upon them, and indeed we have proved too great a desire that, as victors, we should be masters, not only of the lands we took from them, but of our own countrymen, the colonists, which is every way repugnant to freedom and moral justice. In free states there can be *no master*. The victor of one over another, is but an equal among the conquered! He is their father, and not their tyrant, and strictly speaking can do nothing among them, he cannot do at home.

The Colonists of America, no more than those of Ireland, between King John's time and Poynings, were not, nor could be influenced by any laws made in Britain, after their emigration, for the reasons laid down in the year
books

books of 20th Henry VI. Ireland nevertheless some years ago, nearly forgetting its dependance, and being ready to dispute it, it became necessary in England to declare that the Kingdom of Ireland ought to be subordinate to, and dependant upon the imperial Crown of Britain, and that the King, Lords and Commons of England, had power to make laws to bind the people of Ireland.

This is our declaratory Act towards Ireland, which passed in the 6th, of George I. and that Kingdom, partly from necessity, and partly from utility, has united itself with Britain. But our declaratory Act towards America, has produced a contrary effect.

That is a remote country. The Colonists there deem themselves insulted and injured, by our endeavours to become their masters. They deny the right; they are contending to govern themselves, and to avoid the arbitrary sway of any master at all. Hence is the
case

case of America and Ireland, directly opposite.

I cannot help the repetition I am led into; and to avoid the charge of it improperly, I must observe, that if it be wrong, it arises from the subject, and not from any fault in the writing upon it.

In a free state, *one part* of an empire cannot govern *the other*. The whole is equal. Despotism then in America, and freedom at home, are contradictions not to be reconciled. The Americans would in that case be *slaves*, while Englishmen were free. They are apprised of this, and therefore they have announced their independancy. We have lost them, and to conquer them is (as already said) to defeat ourselves. Their minds are poisoned against us, and if necessity lulls them to a kind of obedience to superior power, it will only compose them till new strength is gained, and

then it is likely they will break out against us with accumulated vigor.

It is remarkable that, while the writers in justification of the state policy in question exert all their power, some to confuse, and others to fritter away to nothing common sense, they do violence to their consciences, and scarce believe or *feel* a line they write. Perfect instruments and conduit pipes themselves, they are led by the nose instead of the understanding, which they palpably expose for hire. With such men, the condition of the writer is *questionable*, and when known, *detestable*. A man who will ingenuously write on any subject, writes at random, and to deceive. He wants principle himself, and boldly attempts to impose on those who have it. Many of these men have appeared in print, since the commencement of our present distracting troubles in America.

But to return again to that state policy, which all good and great men appear

pear to condemn, and which those unborn may live to do the same, what has it brought us? Two years war, and a thinning of the Almighty's creatures, for *nothing*. Nine unprecedented Acts of Parliament have passed by the pernicious influence of present ministers, big with danger to the unoffending natives of Britain. We are told, that the occasion was a new one, and the necessity of the thing required such statutes; that they are only temporary expedients to reduce the Americans to subordination.

The fact therefore is sufficiently clear. It is not the advantage of America we seek, in conjunction with our own, but our own in contempt of theirs. Law and the constitution are to give way to tyranny, and nothing untouched or untied is to escape towards subduing their power, and bringing them to unconditional submission, which in all probability will never happen.

The Americans are either to be considered *as Englishmen*, or they are not. If they are, they are intitled to benefit by the hospitality of a British constitution. If they are not, we are tyrants among them. We are committing those actions in America, the law forbids at home, and which if practised here would be repelled. The doing that then in *one part* of our empire, which our political leaders dare not do in another, is dealing out slavery in that one part, while in such other they are circumscribed by laws in force for the general good. Our war against America is not a just or an honourable one, while we do that *there*, we dare not do *here*, by imposing laws to which her inhabitants are not parties. It has once brought a King to the block, and what is improper and impolitic ever to happen again.

Let us suppose that the King, with his Ministers, resided at Philadelphia, and that Magna Charta and the Bill of Rights were recorded there, would they circulate

circulate Laws passed without the consent of the Americans? Would they, after what history has told them of the reign of Charles the first, presume to levy taxes on an unrepresented people, by commission of loan? I verily believe they would not, not (very likely) from a remorse of their conscience, but from a fear of raising a domestic discord, which might endanger their lives. Why do they persevere in a contrary conduct in England? They are at the head of a great national treasure. They roll in wealth, splendour, and luxury. Secure from personal danger themselves, they sport with the peace and prosperity of their countrymen in America, in order as they say to make them *happy*, and *aggrandize ourselves*. They founded their hopes of effecting this wonderful end, on the superior force of their country at home, and like *giants* combating with *pigmies*, they have promised themselves victory over America. What honour will attend their conquest? What profit? Peace
may

may only, as an honest able writer says, be a pause from arms; strength prevailing over weakness in a cause like this, can never be honourable. When I reflect on the long list of names (many of them respectable) I have read subscribed to the addresses already spoke of, and when I reflect also on the propriety of subduing the Americans contended for by many men in conversation, I am astonished, but it is the astonishment only of a moment; for if we recollect that three fourths in the number of men in Christendom, but particularly so in Britain, are either knaves or fools, interested or led away by favour or affection, no wonder will result from such a recollection, and that this is rather true; I believe no honest intelligent man will scruple to think, if not openly declare.

If after all I have said on this occasion, my loyalty or affection to his Majesty should be doubted, I do profess, though

though an humble, obscure character; there is not a subject in Britain more warmly attached to the present establishment of his Majesty and family, or to the British constitution than I am. Remote from his throne, I revere him for his abundant virtues. He can do no wrong. His Ministers can only do it for him. It is them the people have too much reason to watch, and in the affairs of America to reprehend. But they are in their full career, which probably will not end till justice and time shall unite their powers, and cry out, stop.

F I N I S.

